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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/036,047

10/17/2001

Mark Maggenti

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05/20/2004

Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

NGUYEN, THUAN T

ART UNIT

PAPER NUMBER

2685

5

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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Washington, D.C. 20231

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Commissioner of Patents and Trademarks

*See attachments*

# Office Action Summary

Application No.

10/036,047

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lekven et al. (U.S. Patent No. 5,884,196/ or "Lekven" hereinafter).

Regarding claim 1, Lekven discloses a method for putting an inactive net in a group communication network into a dormant mode, the method comprising determining whether the net has been inactive for a predetermined time period; and causing the net to enter the dormant mode if it is determined that the net has been inactive for the predetermined time period (Figs. 1-4 with comm. Manager 40 for controlling the net, and col. 5/lines 12-64 for on how the net controller realizes or recognizes whether there is a need for entering a dormant mode for saving power of communication devices within the net; col. 6/lines 10-30 for a predetermined time period is detected for causing the net including inactive devices going into the dormant mode).

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As for claims 2-6, Lekven further teaches the necessary steps needed for causing including ordering each participant communication device in the net to enter the dormant mode (Figs. 2-4; and col. 12/line 62 to col. 13/line 23).

Regarding claim 7, Lekven further discloses a method for bringing a net in a group out of a dormant mode, the method comprising receiving a floor control request from a participating communication device in the net; and bringing the net out of the dormant mode if the request is granted (col. 12/lines 15-61).

As for claims 8-14, Lekven further discloses these limitations for bringing the net out of the dormant mode, and receiving wake-up commands from the participating communication devices including registration processes and the floor control request from a push-to-talk (PTT) device (Figs. 3-4, and col. 12/lines 15-61).

As for claims 15-25, in the same scope of claims 1-14 above, Lekven discloses an exact system and method for a push-to-talk communication device to participate in a group communication net over a distributed network; within the communication system, including a controller and its method for registering and re-registering the users within the net by determining whether the user would like to join as participants in a net within a group communication network or not, for instance, allowing or unregistering the user to engage in the group communication, by sending a message to a communication device for determining whether the communication wishes to stay a participant in the net and listing the communication device as a participant in the net if the communication device responds or sends a response within a predetermined time period; including of a dormant mode, wherein the group communication net is capable of offering, as a user is being detected for inactive for a period of time and a technique for reactivate the standby mode or dormant mode as with the user's activation prompting the controller to activate the group communication net and based on that detection, the system monitors and

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determine which net is active or inactive; and wherein the group communication system including a (group) controller to manage the group communication net and interfacing with push-to-talk communication device including transmitter and receiver to send and receive data, further including a user activated mechanism for user to activate the transmitter or the push-to-talk communication device for transmitting the data (PTT button is used for activating the push-to-talk communication) as well as the communication device is wireless, including a memory within the wireless device, further including a priority service such that the priority is dynamically configurable in a manner that an interruption can occur for users with more priority requests (see Figs. 1-4, col. 6/lines 10-31, and col. 9/line 37 to col. 13/line 23 for the entire process of causing the net comprising PTT devices go into a dormant mode based on predetermined time out period and some threshold values; and the wake up or get out of the dormant mode as one or more participating communication device activates or requests a communication command, or namely, floor-control request, for causing the net goes back to an active mode or communication mode).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Maher et al (US Patents 6,647,020 B1 & 6,298,058 B1) and Shaughnessy et al. (US Patent 6,141,347) discloses group communications with related priority techniques.

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5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is (703) 306-0377.



TONY T. NGUYEN  
PATENT EXAMINER, FSA

Tony T. Nguyen  
Art Unit 2685  
May 10, 2004